

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ALEX BELLEHUMEUR,

Plaintiff,

-against-

PROPUCK, INC., f/k/a Millennium Hockey, Inc.,

Defendant.
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01cv 4563 (SJ)(VVP)

MEMORANDUM
AND ORDER

A P P E A R A N C E S:

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JOHNSON, Senior District Judge:

Plaintiff Alex Bellehumeur brought this patent infringement action against

Defendant to recover damages for the illegal use and sale of Plaintiff's product. However, since Defendant's default, Plaintiff has been unsuccessful in serving subpoenas on Defendant in an effort to obtain pertinent information concerning the sale and use of the infringing product, which would enable Plaintiff, and the Court, to calculate the appropriate amount of damages to which Plaintiff is entitled.

Hence, Plaintiff now requests a permanent injunction to ensure that Defendant is precluded from engaging in any future infringement.

On August 2, 2005, this Court referred the case to United States Magistrate Judge Viktor V. Pohorelsky for a Report and Recommendation (the "Report") on the question of damages, attorney's fees, and/or injunctive relief. On March 3, 2008, Magistrate Judge Pohorelsky issued the Report, recommending that this Court grant Plaintiff's request for a permanent injunction, while also reserving to Plaintiff the right to continue his pursuit of information regarding a future damages award.

A district court judge may designate a magistrate to hear and determine certain motions pending before the Court and to submit to the Court proposed findings of fact and a recommendation as to the disposition of the motion. See 28 U.S.C. § 636(b)(1). Within ten days

of service of the recommendation, any party may file written objections to the magistrate's report. See id. Upon *de novo* review of those portions of the record to which objections were made, the district court judge may affirm or reject the recommendations. See id.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. See Thomas v. Arn, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections may waive the right to appeal this Court's Order. See 28 U.S.C. § 636(b)(1); Small v. Sec'y of Health and Human Servs., 892 F.2d 15, 16 (2d Cir. 1989).

In this case, objections to Magistrate Judge Pohorelsky's recommendations were due within 10 days of receipt of the March 3, 2008 decision, or at the latest by March 17, 2008. No objections to the Report were filed with this Court. Upon review of the recommendations, this Court adopts and affirms Magistrate Judge Pohorelsky's Report in its entirety.

SO ORDERED.

Dated: Brooklyn, New York
March 17, 2008

s/SJ

U.S.D.J.